

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1494**

**Introduced by Assembly Member Baca**

February 22, 2005

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An act to amend Section ~~25503.5~~ 23386 of the Business and Professions Code, relating to alcoholic beverage control.

LEGISLATIVE COUNSEL'S DIGEST

AB 1494, as amended, Baca. Alcoholic beverages: instructions: ~~professional development~~. *tastings*.

The Alcoholic Beverage Control Act authorizes ~~distilled spirits manufacturers and winegrowers to conduct tastings of distilled spirits or wine at specified events, and permits specified entities to instruct licensees and their employees in the subject of wine, beer, or distilled spirits, and to furnish wine, beer, or distilled spirits in connection with that instruction~~ any person holding a manufacturer's, winegrower's, manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law also authorizes distilled spirits manufacturers and winegrowers to conduct tastings of distilled spirits or wine at specified events.

The Alcoholic Beverage Control Act permits specified entities to instruct licensees and their employees or retail consumers in the subject of wine, beer, or distilled spirits, and to provide wine, beer, or distilled spirits in connection with that instruction.

This bill would ~~additionally allow distilled spirits manufacturers and their agents to furnish distilled spirits for use in connection with~~

~~professional development courses permit an on-sale retail licensee authorized to sell distilled spirits to instruct consumers, under specific conditions, at an on-sale retail licensed premises. That consumer instruction may include furnishing distilled spirits, subject to limitation on the quantity that may be provided to each consumer.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 23386 of the Business and Professions  
2     Code is amended to read:

3     23386. (a) Any manufacturer's, wine grower's,  
4     manufacturer's agent's, rectifier's, importer's, or wholesaler's  
5     license also authorizes the giving away of samples of the  
6     alcoholic beverages that are authorized to be sold by the license  
7     under the rules that may be prescribed by the department. A retail  
8     license does not authorize the furnishing or giving away of any  
9     free samples of alcoholic beverages.

10    (b) Notwithstanding subdivision (a), an on-sale retail licensee  
11    authorized to sell wine may instruct consumers at the on-sale  
12    retail licensed premises regarding wines sold by the retail  
13    licensee. ~~Notwithstanding subdivision (a), an on-sale retail~~  
14    ~~licensee authorized to sell distilled spirits may instruct consumers~~  
15    ~~at the on-sale retail licensed premises regarding distilled spirits.~~  
16    The instruction may include, without limitation, the history,  
17    nature, values, and characteristics of the product, and the  
18    methods of presenting and serving the product. The instruction of  
19    consumers may include the furnishing of not more than three  
20     Tastings to any individual in one day. A single ~~tasting of distilled~~  
21    ~~spirits may not exceed one-fourth of one ounce and a single~~  
22    tasting of wine may not exceed one ounce. Nothing in this  
23    subdivision shall limit the giving away of samples pursuant to  
24    subdivision (a).

25    (c) ~~(1) Notwithstanding subdivision (a), an on-sale retail~~  
26    ~~licensee authorized to sell distilled spirits may, without charge,~~  
27    ~~instruct consumers at the on-sale resale licensed premises~~  
28    ~~regarding distilled spirits sold by the retail licensee if the~~  
29    ~~following conditions are met:~~

1 (A) The on-sale retail licensee possesses a Type 21 off-sale  
2 license.

3 (B) At least 75 percent of the retailer's annual net sales are  
4 attributable to the combined sales of wine, beer, and distilled  
5 spirits.

6 (C) The on-sale retail licensee has an area of their facility  
7 specifically designed for the purposes of conducting alcohol  
8 tastings, where signs prohibiting minors are visible and entry  
9 into the tasting area is restricted to retail employees and persons  
10 21 years of age and older.

11 (2) The instruction of consumers may include, without  
12 limitation, the history, nature, values, and characteristics of the  
13 product, and the methods of presenting and serving the product.  
14 The following conditions apply to the instruction of consumers  
15 regarding distilled spirits under this subdivision:

16 (A) Instruction shall be conducted between the hours of 11  
17 a.m. and 7 p.m. and shall be no longer than five consecutive  
18 hours.

19 (B) The instruction of consumers may include the furnishing of  
20 not more than three tastings to any individual in one day.

21 (C) A single tasting of distilled spirit may not exceed  
22 one-fourth of one ounce.

23 (D) No consumer shall leave the licensed premises with a  
24 tasting.

25 (E) No tasting shall be furnished to an obviously intoxicated  
26 person.

27 (F) No distilled spirits manufacturer shall induce a retailer to  
28 conduct an instruction of its products.

29 (G) All products used in an instruction shall be purchased  
30 through normal distributor channels.

31 (H) Only individuals who have completed state approved  
32 server training shall conduct an instruction.

33 (3) Nothing in this subdivision shall limit the giving away of  
34 samples pursuant to subdivision (a).

35 ~~SECTION 1. Section 25503.5 of the Business and~~  
36 ~~Professions Code is amended to read:~~

37 ~~25503.5. (a) A winegrower, beer manufacturer, or a beer and~~  
38 ~~wine wholesaler may, without charge, instruct licensees and their~~  
39 ~~employees, or conduct courses of instruction for licensees and~~  
40 ~~their employees, on the subject of wine or beer, including, but~~

1 not limited to, the history, nature, values, and characteristics of  
2 wine or beer, the use of wine lists, and the methods of presenting  
3 and serving wine or beer. The winegrower, beer manufacturer, or  
4 beer and wine wholesaler may furnish wine or beer and the  
5 equipment, materials and utensils that may be required for use in  
6 connection with the instruction or courses of instruction.

7 (b) A ~~distilled spirits manufacturer, distilled spirits~~  
8 ~~manufacturer's agent, distilled spirits general rectifier, or distilled~~  
9 ~~spirits general importer may, without charge, instruct licensees~~  
10 ~~and their employees, or conduct courses of instruction for~~  
11 ~~licensees and their employees, on the subject of distilled spirits,~~  
12 ~~including, but not limited to, the history, nature, values, and~~  
13 ~~characteristics of distilled spirits, and the methods of presenting~~  
14 ~~and serving distilled spirits. The distilled spirits manufacturer or~~  
15 ~~distilled spirits manufacturer's agent may furnish distilled spirits~~  
16 ~~and the equipment, materials, and utensils that may be required~~  
17 ~~for use in connection with the instruction or courses of~~  
18 ~~instruction, or professional development.~~

19 (c) A ~~winegrower or distilled spirits manufacturer, or its~~  
20 ~~authorized agent may instruct consumers at an on-sale retail~~  
21 ~~licensed premises authorized to sell its product with the~~  
22 ~~permission of the retail on-sale licensee. The instruction may~~  
23 ~~include, without limitation, the history, nature, values, and~~  
24 ~~characteristics of the product and the methods of presenting and~~  
25 ~~serving the product. The instruction of consumers may include~~  
26 ~~the furnishing of not more than three tastings to any individual in~~  
27 ~~one day. A single tasting of distilled spirits may not exceed~~  
28 ~~one-fourth of one ounce and a single tasting of wine may not~~  
29 ~~exceed one ounce. The winegrower or distilled spirits~~  
30 ~~manufacturer, or its authorized agent shall remove any unfinished~~  
31 ~~alcoholic beverages that he or she provided following the~~  
32 ~~instruction. Nothing in this subdivision shall limit the giving~~  
33 ~~away of samples pursuant to subdivision (a) of Section 23386.~~

34 (d) The instruction or courses of instruction, authorized in  
35 subdivision (a) or (b), may be given at the premises of the  
36 winegrower, beer manufacturer, beer and wine wholesaler,  
37 distilled spirits manufacturer, distilled spirits manufacturer's  
38 agent, distilled spirits general rectifier, distilled spirits general

- 1 ~~importer or of a licensee, including an on-sale retail licensee, or~~
- 2 ~~elsewhere.~~

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